

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 20, 2007

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P.J., Vogel (Miriam A.), J., Rothschild, J., Jackson, J.
(Assigned) and P. Gonzalez, Deputy Clerk.

B194125 Odimbur v. American First Financial et al.

Argument waived, cause submitted.

B196433 Kamen v. Schwartz

Matter advanced to November 19, 2007.

Each of the following:

B182561 Perrillo v. Picco & Presley
B185110 Perrillo v. Picco & Presley
B186683 Blaschke v. Rosetel Systems Corp.

Continued to November 29, 2007.

Each of the following:

B190475 Tri-Tech v. Landis
B196225 Cook v. McGrath

Continued to December 18, 2007.

DIVISION ONE (continued)

B197324 Tim Simpson
 v.
 City of Irwindale

Merits:

Argued by Tim Simpson for appellant and no appearance by Fred Galante for respondent. Cause submitted.

B192755 People
 v.
 Arturo E. Coye

Merits:

Argued by William J. Kopeny for appellant and by Theresa A. Patterson, Deputy Attorney General for respondent. Cause submitted.

B195867 James McCarthy
 v.
 City of Los Angeles, et al.

Merits:

Argued by Gerald Soto for appellants and by Diane Marchant for respondent. Cause submitted.

Mallano, Acting P.J., leaves the bench.

B193508 Patricia Kinnard
 v.
 Victory Kinnard

Merits:

Argued by Victory Kinnard for appellant and appearance waived for respondent. Cause submitted.

Mallano, Acting P.J., returns to the bench.

DIVISION ONE (continued)

B193508 Carol Ann Yeoman
v.
Gerald A. Belgard
Linda Rogers

Merits:

Argued by Thomas W. Gillen for appellant, by Jay Oberholtzer for respondent Yeoman and by Stephen M. Magro for respondent Rogers.
Cause submitted.

Jackson, J. (Assigned) leaves the bench

B191804 Gary A. Paller
v.
State Farm Fire and Casualty Company et al.

Merits:

Argued by Thomas Segal for appellants and by Clarke B. Holland for respondents. Cause submitted.

Jackson, J. (Assigned) returns to the bench.

Vogel, J., leaves the bench.

B193498 Joseph Chavarin
v.
Teresa Chavarin et al.

Merits:

Argued by Jill C. Hunt for appellants and by Jay Oberholtzer for respondent. Cause submitted.

Vogel, J., returns to the bench.

Rothschild, J., leaves the bench.

DIVISION ONE (continued)

B189573 Indyway Investment
v.
Debra A. Opri et al.

Merits:

Argued by Joanne Keighton for appellant and by David B. Owen for respondents. Cause submitted.

Court adjourned.

B190276 People v. Picazo (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B196433 Kamen et al. (Not for Publication)
v.
Schwartz et al.

The order and the preliminary injunction are affirmed. The parties are to pay their own costs of appeal, subject to reallocation by the trial court at the conclusion of this litigation.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Jackson, J. (Assigned)

DIVISION ONE (continued)

B194292 Ribarich (Not for Publication)

v.
Kim

The order is affirmed. Kim is to pay her own costs of appeal.

Vogel (Miriam A.), J.

We concur: Mallano, Acting P.J.
 Rothschild, J.

B192369 Echeverria et al. (Not for Publication)

v.
Gossai et al.

The order denying Gossai's special motion to strike is affirmed and, as to that appeal, the students are entitled to their costs of appeal. The order denying Furstman's special motion to strike is reversed, and the cause is remanded to the trial court with directions (1) to enter a new order granting Furstman's motion, including his request for attorney's fees and (2) to determine the amount of attorney's fees recoverable by Furstman for both the trial court and appellate proceedings; as to Furstman's appeal, he is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Rothschild, Acting P.J.
 Jackson, J. (Assigned)

November 20, 2007 (Continued)

DIVISION TWO

[illegible]

The judgment is affirmed.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B194477 People (Not for Publication)
v.
Marroquin

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B196480 People (Not for Publication)
v.
Allmond

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B194996 The Boeing Company (Not for Publication)

v.

Continental Casualty

The judgment of dismissal is affirmed. Continental shall recover its costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B193021 Woods (Not for Publication)

v.

Southern California Permanente Medical Group, et al.

The judgment and the order denying the motion for JNOV are affirmed. Dr. Woods shall recover his costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B196940 People (Not for Publication)

v.

Joseph Howard Reynolds

The judgment is affirmed.

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION THREE (continued)

B192601 Los Angeles County, D.C.S. (Not for Publication)
B195484 v
 Philip L., et al.

The judgment and the six-month review minute order are reversed and the cause is remanded for compliance with the notice requirements of the ICWA. If, after proper notice, a Tribe asserts its right under the ICWA to intervene in this matter in state court, or to obtain jurisdiction over the proceedings by transfer to the tribal court, the cause shall proceed in accordance with the Tribe's election. If there is no intervention or assertion of jurisdiction by an Tribe after proper notice, then the juvenile court's judgment and six-month review order shall be reinstated. The Department is to notify this court forthwith if a Tribe asserts its right to intervene or obtain jurisdiction over the proceedings or the juvenile court reinstates its judgment and order.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B187911 People (Not for Publication)
 v.
 Travyon Charles Harbor

The judgment of conviction is affirmed, and the case is remanded to the trial court for resentencing.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FOUR

B192759 People (Not for Publication)
v.
Lee

The superior court is directed to correct the abstract of judgment to reflect that appellant's 10-year sentence for the gang enhancement was pursuant to section 186.22, subdivision (b)(1)(C), not subdivision (b)(5). A certified copy of the corrected abstract is to be forwarded to the Department of Corrections. As corrected, the judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B197514 People (Not for Publication)
v.
Mitchell

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.
Suzukawa, J.

B170479 People (Not for Publication)
v.
Leon

The judgment is affirmed.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (continued)

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

B190700 Washington (Not for Publication)
v.
Los Angeles Unified School District

The judgment is affirmed. Respondent(s) to recover costs.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B189913 Denise C. (Not for Publication)
v.
James C. et al.

The order of guardianship is affirmed.

Epstein, P.J.

We concur: Manella, J.
Suzukawa, J.

DIVISION FOUR (continued)

B196467 Shiepe (Not for Publication)

V.

Bander Law Firm, LLP et al.

The judgment as amended is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.

Manella, J.

B196859 Los Angeles County, D.C.S. (Not for Publication)

V.

Amelia L. et al.

The order is reversed insofar as it finds the children to be dependents under section 300, subdivision (a). In all other respects, the order is affirmed.

Epstein, P.J.

We concur: Manella, J.

Suzukawa, J.

B197037 Los Angeles County, D.C.S. (Not for Publication)

V.

James T.

The jurisdiction and disposition orders are affirmed.

Willhite, J.

We concur: Epstein, P.J.

Suzukawa, J.

DIVISION FOUR (continued)

B196499 Los Angeles County, D.C.S. (Not for Publication)

v.

Jennifer C.

The order terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order DCFS to make reasonable efforts to obtain the relevant information regarding the maternal great-grandmother, provide proper notice under ICWA, and file the notices sent, proof of receipt of the notices by the tribe or the Bureau of Indian Affairs (BIA), and any responses received from the tribe or BIA. If, after receiving the notice, no tribe gives notice that the children are Indian children within the meaning of ICWA, the juvenile court shall then reinstate the order terminating parental rights. In all other respects, the order is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

B198571 People (Not for Publication)

v.

Ayman Yousef Abdou

The judgment is modified to impose the fines, penalties, and surcharge discussed in the body of this opinion. A corrected abstract of judgment is To be forwarded to the Department of Corrections and Rehabilitation by the superior court clerk. The Department of Corrections and Rehabilitation is to disregard the jurisdictionally void July 31, 2007 presentence credits order. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION FIVE (continued)

B196772 Maria DeLeon (Not for Publication)

v.

Andrew Ellis

The judgment is reversed. Appellant(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.

Kriegler, J.

B190196 Takako Hawkins

v.

Merrill Lynch, Pierce Fenner & Smith, Inc. et al

Petitions for rehearing filed November 2, November 9, and November 13, 2007 are denied. Mosk would grant rehearing.

B190196 Takako Hawkins

v.

Merrill Lynch, Pierce Fenner & Smith, Inc.

Filed order modifying opinion. (No change in the judgment)

B194321 People

v.

Sirlasie Rayshon Curry

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION SIX

B189837 People (Not for Publication)
v.
Acedo, et al.

The judgments are affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

B190431 Harrington-Wisely (Certified for Publication)
v.
State of California

The appeal is dismissed. The parties shall bear their own costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B193079 People (Not for Publication)
v.
Fluker

The sentence is vacated and the matter is remanded for resentencing in compliance with *People v. Sandoval, supra*, 41 Cal.4th 825.

Zelon, J.

We concur: Perluss, P.J.
Woods, J.